

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

DENNIS M. PHILLIPS,)
)
 Plaintiff,)
 v.) No. 2:06-0060
) JUDGE ECHOLS
 CUMBERLAND MOUNTAIN RETREAT,)
 P.O.A., et al.,)
)
 Defendants.)

ORDER

Pending before the Court are the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on January 17, 2007 (Docket Entry No. 25), the Motion to Dismiss of Defendant Sharon Potter (Docket Entry No. 6), and the Motion to Dismiss of the remaining Defendants, Cumberland Mountain Retreat Property Owners' Association, Robert Meyers, Marie King, Joseph McDaniels, Charles Haun, Anna Kizer, Mildred Brewster and Dedrick Smith (Docket Entry No. 23).¹ Pro se Plaintiff Dennis Phillips has not filed any objections to the R&R within the time allotted.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

¹The court file indicates that Plaintiff failed to obtain service of process on Joseph McDaniels, Charles Haun, and Anna Kizer, but these Defendants nonetheless joined in a Motion to Dismiss (Docket Entry No. 23) for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

Having carefully reviewed the entire record in this case, the Court finds that no error of fact or law appears in the R&R.

Plaintiff failed to respond to the Motions to Dismiss as ordered by the Magistrate Judge. For the reasons stated in the R&R, Plaintiff's Complaint fails to state a claim under Rule 12(b)(6) against any Defendant. Accordingly,

(1) The R&R of the Magistrate Judge (Docket Entry No. 25) is hereby ACCEPTED.

(2) The Motion to Dismiss of Defendant Sharon Potter (Docket Entry No. 6) is hereby GRANTED.

(3) The Motion to Dismiss of the remaining Defendants, Cumberland Mountain Retreat Property Owners' Association, Robert Meyers, Marie King, Joseph McDaniels, Charles Haun, Anna Kizer, Mildred Brewster and Dedrick Smith (Docket Entry No. 23) is hereby GRANTED.

(4) This case is hereby DISMISSED WITH PREJUDICE.

(5) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

IT IS SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE